

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

BARRY A. ROE

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:11-cv-00321-HSO-RHW

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

**ORDER ADOPTING PROPOSED FINDINGS
OF FACT AND RECOMMENDATION**

This matter is before the Court on submission of the Proposed Findings of Fact and Recommendation [13] of United States Magistrate Judge Robert H. Walker, entered in this cause on August 13, 2012. No objections have been lodged. Where a party fails to file specific objections to a magistrate judge's rulings, the district court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Based on the record before the Court, the undersigned finds that the Magistrate Judge's findings are neither clearly erroneous nor contrary to law, and that he properly recommended that the Commissioner's Motion to Affirm the Decision of the Administrative Law Judge (ALJ) [10] be denied, and that this matter be remanded to the ALJ for his consideration of the consultative exam and report of Dr. Charlton Barnes. After referral of hearing by this Court, no objections having been filed, and the Court, having fully reviewed the same as well as the record in this matter, and being duly advised in the premises, finds that the Magistrate's Proposed Findings of Fact and Recommendation [13] should be

adopted as the finding of this Court, and that the Commissioner's Motion to Affirm the Decision of the ALJ [10] should be denied.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Proposed Findings and Recommendation [13] of United States Magistrate Robert H. Walker entered in this cause on August 13, 2012, are adopted as the finding of the Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, the Commissioner's Motion to Affirm the Decision of the ALJ [10] is **DENIED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that, this matter is remanded to the ALJ for his reconsideration in light of the consultative exam and report of Dr. Charlton Barnes.

SO ORDERED AND ADJUDGED, this the 7th day of September, 2012.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE